

REMARKS

The Office Action dated October 19, 2006, has been reviewed and the Examiner's comments carefully considered. Prior to this paper, claims 1, 3-9 and 11-30 were pending, with claims 8, 9 and 12-19 being withdrawn. By this paper, Applicants cancel claims 24, 26, 27 and 29-30, and adds 31-42 claims. Therefore, claims 1, 3-9, 11-23, 25, 28 and 31-42 are now pending.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Indication of Allowable Subject Matter

Applicants thank Examiner Pape for the indication that claims 4-7 and 24-27 contain allowable subject matter. In reliance on this indication, Applicants add new claims 31-42, which correspond to these claims.

Rejections Under 35 U.S.C. § 102

Claims 1, 3, 11, 20-23 and 28-30 stand rejected under 35 U.S.C. §102(b) as being anticipated by Uchida (United States Patent No. 5,707,098). Further, claims 22-23 and 28-30 are rejected under the same statute as being anticipated by Hirahara (United States Patent No. 5,586,797). In response, in order to advance prosecution, and without prejudice or disclaimer, Applicants have

- (i) amended claims 1 and 20 as seen above, and
- (ii) amended claim 22 to incorporate the subject matter of claim 24 (which was indicated as being allowable) therein, and cancelled claims 24, 26-27 and 29-30,

and respectfully submit that the above claims are allowable because claims 1 and 20 contain elements, at least as a result of the amendments of “i,” that are not present in Uchida, and the amendment of “ii” render rejections in view of Hirahara moot.

Regarding the rejections based on Uchida, Applicants rely on MPEP § 2131, entitled “Anticipation – Application of 35 U.S.C. 102(a), (b), and (e),” which states that a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Section 103 amplifies the meaning of this anticipation standard by pointing out that anticipation requires that the claimed subject matter must be “*identically* disclosed or described” by the prior art reference. (Emphasis added.) It is respectfully submitted that Uchida does not describe each and every element of any claim now pending.

Claims 1 and 20 have been amended to define the area in which the heat insulation is provided. Specifically, claims 1 and 20 now recite that the partial heat insulation / the heat insulation means, respectively, extends over a whole area extending from a first border that is about at the bottom of a door window opening to a second border. Claim 1 specifically defines the second border to be a border that is in a width between 15 cm above and below a border line connecting respective points at which tangent lines on a front surface of the outer panel and the ground form 90 degree angles. In an exemplary embodiment of the invention of claims 1 and 20, as shown in Figures 3A-7C, the heat insulation (5) extends over the whole area extending from the first border to the second border.

The feature of claims 1 and 20 that the insulation extend over a whole area extending from the first border to the second border (as that border is defined in the claims) is not present in Uchida. The Office Action asserts that pad 11 of Uchida is a heat insulator. Assuming *arguendo* that this is the case (at col. 3, lines 14-16, Uchida identifies pad 11 as a “shock absorber to protect the messenger M when an external force F is exerted on the door body”), Uchida does not teach, either explicitly or implicitly, that the pad 11 extends over the area claimed in claims 1 and 20, at least with respect to the recited first and second borders. In Uchida, the pad 11 is only located in a position corresponding to a passenger’s location from the perspective of the side view of the door body, as is shown in Fig. 1 and col. 1, lines

25-28, of Uchida. As noted above, claims 1 and 20 recite a second border that is in a width between 15 cm above and below a border line connecting respective points at which tangent lines on a front surface of the outer panel and the ground form 90 degree angles. Uchida does not teach that the pad 11 extends to such a second border as claimed. Therefore, the feature of claims 1 and 20 that the insulation extend over a whole area extending from the first border to the second border (as is defined in the claims) is not present in Uchida, and thus claims 1 and 20 are allowable.

The claims that depend from claims 1 and 20 are also allowable due at least to their dependency from allowable claims.

New Claims

As seen above, Applicants have added new claims 31-42. These claims are allowable because they variously include all of the recitations of claims 4, 6 and 26. That is:

new independent claim 31 includes the recitations of examined claim 4,

new independent claim 35 includes the recitations of examined claim 6, and

new independent claim 39 includes the recitations of examined claim 26.

Of course, new claims 4, 6 and 26 trace their support to the corresponding examined claims just identified. Also, new dependent claims 32-34 trace their support to claims 3, 5 and 11, new independent claims 36-38 trace their support to claims 3, 7 and 11, and new claims 40-42 trace their support to claims 23, 27 and 28. These latter claims are allowable for at least the reason that they depend variously from new claims 31, 35 and 39, which are allowable, as Examiner Pape has indicated. Entry and allowance is requested.

Conclusion

Applicants believe that the present application is now in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

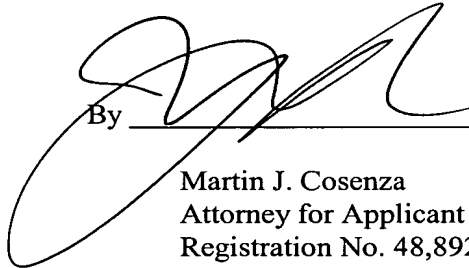
Examiner Pape is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date January 19, 2007

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By

A handwritten signature in black ink, appearing to read 'Martin J. Cosenza', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke at the end.

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